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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
JEFFERY THOMAS ST. LOUIS

Defendant/Petitioner

vs .

Docket No: 4:08-CV-599(CEJ)

UNITED STATES OF AMERICA
Plaintiff/Respondent

REQUEST FOR EVIDENTUARY HEAR-
ING IN CONNECTION WITH PEND-
ING 28 U.S.C. 2255 MOTION AND
SWORN AFFIDAVIT IN SUPPORT OF
REQUEST FOR HEARING OR STATUS
CONFERENCE

AFFIDAVIT OF TRUTH

JEFFREY THOMAS

COMES NOW, Petitioner Jeffrey Thomas, pursuant to Penalty of Perjury under Title 28 U.S.C. § 1746, with this his Sworn Affidavit in Support of his Pending 28 U.S.C. § 2255 motion and in support as follows:

1. On January 03,2008, I JEFFERY THOMAS, Submitted via the Federal Bureau of Prisons ' Legal Mail System with sufficient prepaid First Class Postage thereto, my initial TITLE 28 U.S.C. § 2255 Petition along with an incorporated motion requesting a 120 Day Extension of Time in which to prepare a proper Memorandum of Law and Revised Petition to include newly Discovered Evidence and Constitutional Violations that could not be alleged in the initial Petition with enough facts to avoid dismissal.

2. My " Motion For Leave Requesting a 120 Extention of Time within which to file an Amended § 2255 Petition to Supplement attached § 2255 Petition and to file a more Detailed Memorandum of Law with Relevant Points and Authorities in Support of Petition " was witnessed and Notarized by BOP Official and Notary Public, Mrs. VICKIE TALBERT.

3. BOP employee and Notary Public VICKI TALBERT has provided the U.S. Attorney's Office with a Sworn Affidavit which Authenticates and Verifies my initial 28 U.S.C. §2255 Petition dated January 03, 2008.

4. BOP employee VICKI TALBERT has provided the Government with a Sworn Affidavit that Confirms her Signature and Notary Seal on my motion for a 120 day Extension of Time to Amend my § 2255 Petition and verifies that the duplicate copy is identical to the original unaccounted for Motion and 28 U.S.C. § 2255 Petition.

5. On January 03,2008,when I delivered my 28 U.S.C. § 2255 and incorporated motion requesting a 120 day Extension of Time to Amend my Petition, I Witnessed the BOP Mail Room Officer " POSTMARK " my envelope containing both of my Motions and addressed to the United States District Court,Office of the Clerk 111 S. Tenth Street , ST. Louis MO. 63102.

6. I watched the BOP MailRoom Officer stamp, sign and date my envelope for 01/03/2008 and place it in the outgoing stack of Legal Mail.

7. The " Postmark process involves the BOP MailRoom Officer inspecting the envelope to ensure that it is "LEGAL MAIL " and placed the BOP Legal Mail Stamp on the envelope and handwriting the date the envelope was received by the MailRoom for Mailing.

8. On January 03,2008,I was accompanied to the MailRoom by Inmates William and Quandai who watched me deliver my § 2255 Petition and incorporated Motion for a 120 day Extension of Time.... to the BOP MailRoom Officer attending the window for outgoing Legal Mail. This is the Authorized procedure for Legal Mail.

9. Inmate Tommie was already present in the MailRoom and also witnessed me deliver my 28 U.S.C. § 2255 and Motion for a 120 day Extension ... to the BOP Officer for Mailing to the Court.

10. Each of these three inmates witnessed me preparing my § 2255 petition from the summer of 2007 through December 2007 and did witness me mail my Petition on January 03, 2008.

11. After mailing my § 2255 Petition on January 03, 2008, I walked to the education offices with Tommie and William where we discussed my hopes for relief based on my claims and evidence to prove my claims.

12. In mid January 2007, I became familiar with the AEDPA and was fully aware of the filing deadlines relative to 28 U.S.C. 2255 Motions.

13. In 2007, I received extensive assistance from several inmates who had been incarcerated for a substantial amount of time and had filed 28 U.S.C. § 2255 Motions in their own cases.

14. I was made aware and reminded of the § 2255 deadlines inmates who had previously filed Petitions of their own and had prepared many petitions for other inmates who did not have counsel.

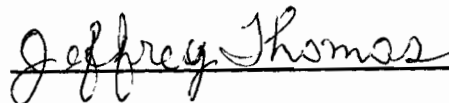
15. After delivering my § 2255 to the MailRoom on January 03, 2008 for Mailing to the Court, I was under the impression that my pleadings had been received by the Court since I affixed sufficient Pre Paid First Class Postage to the envelope containing my Motions and watched the BOP MailRoom Officer "Postmark" it and place it in the outgoing ~~legal~~ mail stack.

16. In February 2008, I was under the impression that the District Court had Received my January 03, 2008 § 2255 Petition and was awaiting my amended Petition, per my request in my motion for a 120 day Extension of Time within which to Amend which has been authenticated by BOP employee VICKI TALBERT'S Sworn Affidavit. See paragraph 8 of my Motion for a 120 day Extension.

17. I used the institution's authorized Legal Mail system as required for all Legal mail pleadings to the Court and sufficient Pre Paid First Class Postage was affixed to the envelope when it was deposited in FMC Lexington Legal Mail system on January 03,2008.

Done this 16th day of December 2011.

I hereby do Certify that Pursuant to
Penalty of Perjury Title 28 U.S.C.
§1746 that on this 19th day of January
2011, I signed and mailed this document
via the Federal Bureau of Prisons '
Legal Mail System with sufficient First
Class Postage affixed.

A handwritten signature in cursive script that reads "Jeffrey Thomas". The signature is written in dark ink and is positioned above a solid horizontal line.

Jeffrey Thomas

Register No: 30695-044

Federal Prison Camp-Pekin

Nebraska Unit P.O. Box 5000

Pekin, ILL. 61555-5000

Jeffrey Thomas - #30645-044
Federal Prison Camp - Pekin
Nebraska Unit
P.O. Box 5000
Pekin, IL 61555-5000

*FCI
12/19/11
Pekin - mail room*

Legal Mail
Urgent

6310231125

PEORIA, ILLINOIS

TO: PEORIA, ILLINOIS

30695-044

Clerk, U.S. District Court
111 S. 10TH ST
Thomas Eagleton US Court
Saint Louis, MO 63102
United States

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ST. LOUIS

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